

Message Text

LIMITED OFFICIAL USE

PAGE 01 OTTAWA 01699 062144Z

61

ACTION L-02

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 /016 W

----- 042910

P 062132Z MAY 75

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC PRIORITY 6367

LIMITED OFFICIAL USE OTTAWA 1699

FOR L/M/SCA MISS HUMMER

EO 11652 NA

TAGS CGEN CA EI

SUBJ EXTRADITION: JOHN PATRICK O'SULLIVAN

1. CANADIAN JUSTICE DEPARTMENT IS STUDYING QUESTION OF WHETHER PERSON CONVICTED OF MURDER BY MILITARY COURT UNDER UCMJ CAN BE EXTRADITED TO U.S. TO HELP IN ARRIVING AT INFORMAL OPINION AS TO HOW EXTRADITION JUDGE MIGHT VIEW SUCH REQUEST BY USG, A JUSTICE ATTORNEY (WINDELS) HAS ASKED FOR ANSWERS TO FOLLOWING QUESTIONS:

(A) WHERE WAS OFFENSE COMMITTED?

(B) WAS OFFENSE COMMITTED WHILE SUBJECT WAS AWOL (I.E., IN WHAT DUTY STATUS WAS SUBJECT WHEN COMMITTING OFFENSE)?

(C) DOES U.S. HAVE SOFA WITH VIETNAM?

(D) IF NO SOFA WITH VIETNAM, WHAT IS BASIS FOR U.S. JURISDICTION OVER SUBJECT? (WEBSTER ASHBURTON TREATY OF 1842 USES PHRASE "COMMITTED WITHIN JURISDICTION OF EITHER".)

(E) CAN DEPARTMENT CITE ANY INTERNATIONAL LAW AUTHORITIES OR OPINIONS REGARDING STATUS OF MILITARY COURTS AS RELATED TO EXTRADITION, ESPECIALLY WHERE THERE IS NO SOFA WITH RESPECT TO COUNTRY IN WHICH U.S. IS EXERCISING JURISDICTION.

2. AS DEPARTMENT AWARE, SUBJECT IS NOW SERVING SENTENCE IN CANADA UPON CONVICTION FOR ARMED ROBBERY.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OTTAWA 01699 062144Z

3. COMMENT: WHILE A JUSTICE ATTORNEY INFORMALLY USED SUCH PHRASE AS "PROBABLY OK" RESPECTING ACCEPTABILITY OF COURTMARTIAL CONVICTION AS BASIS FOR EXTRADITION REQUEST, THERE APPEARS TO BE SOME SENSITIVITY RESPECTING POSITION OF REPUBLIC OF IRELAND WHICH HAS INDICATED INTEREST IN SUBJECT'S DEPORTATION TO IRELAND.
LEARY

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 06 MAY 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975OTTAWA01699
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750159-0153
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750577/aaaacsrl.tel
Line Count: 68
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 05 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 MAY 2003 by BoyleJA>; APPROVED <21 MAY 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION: JOHN PATRICK O'SULLIVAN
TAGS: CGEN, CA, EI
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006